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**BEYER WEAVER & THOMAS, LLP**

## INTELLECTUAL PROPERTY LAW

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September 14, 2004

Receiver: Examiner Zhou (USPTO Central Fax)

FAX #: 703-872-9306

Sender: Jeffrey K. Weaver  
Our Ref. No.: MXGNP001X2

Application No: 09/539,486

Re: 3<sup>rd</sup> Response to Notice of Non-Compliant Amendment

Pages Including Cover Sheet(s): 12

**MESSAGE:****CONFIDENTIALITY NOTE**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Selifonov et al.

Attorney Docket No.:  
MXGNP001X2/0124.510

Application No.: 09/539,486

Examiner: Zhou S.

Filed: March 30, 2000

Group: 1631

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**Title: METHODS FOR MAKING CHARACTER  
STRINGS, POLYNUCLEOTIDES AND  
POLYPEPTIDES HAVING DESIRED  
CHARACTERISTICS****CERTIFICATE OF FACSIMILE TRANSMISSION:**I hereby certify that this correspondence is being transmitted by  
facsimile to the United States Patent and Trademark Office,  
Commissioner for Patents, Attn: Examiner Zhou, Fax No. 703-  
872-9306, Alexandria, VA 22314-1450 on: September 14, 2004Signed: 

Joyce L. Ferreira

**AMENDMENT TRANSMITTAL**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

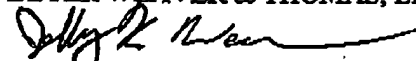
Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	44	MINUS	98	0	x 9 =	x 18 = 0.00
Independent Claims	02	MINUS	03	0	x 42 =	x 84 = 0.00
Multiple Dependent Claim Present and Fee Not Previously Paid					\$140.00	\$280.00
Total					\$	\$0.00

- ☒ Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388.
- ☒ Please charge the required fees, or any additional fees required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. MXGNP001X2).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP  
Jeffrey K. Weaver  
Reg. No. 31,314P.O. Box 778  
Berkeley, CA 94704-0778

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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872-9306, Alexandria, VA 22313-1450 on: September 14, 2004

Signed: 

Joyce L. Ferreira

**THIRD RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This amendment is submitted in response to the a Communication mailed August 25, 2004 (copy attached) in which the response required by 37 CFR 1.121(c) was deemed non-responsive because the status identifiers for claims 99-100, "previously amended", are not the required identifiers. As stated by the Examiner, "37 CFR 1.121(c) requires that 'in the claim listing, the status of the every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not Entered).'" It is believe that this revised response addresses this issue. As such, it should be treated as responsive to the outstanding office action as required by 37 CFR 1.114 and 37 CFR 1.111.

**Amendments to the Claims** are reflected in the listing of claims which being on page 2 of this paper.

Please cancel claims 25, 30, 47-98, and 101 without prejudice.

Please amend claims 1 and 39 as indicated below.

**Remarks** begin on page 8 of this paper.

Application No: 09/539,486

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